

EXHIBIT A

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Received by: (Please Print Clearly) _____ B. Date of Delivery <u>9-7-05</u>	
1. Article Addressed to: United States Corporation Company 3 Avenue of the Americas, Suite 0 York, NY 10006		C. Signature <u>[Signature]</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Copy from service label) <u>7000 1670 0011 6180 5014</u>		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
PS Form 3811, July 1999		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
OFFICIAL U.S. MAIL	
Postage	\$ <u>1.52</u>
Certified Fee	<u>2.30</u>
Return Receipt Fee (Endorsement Required)	<u>1.75</u>
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Sent To: United States Corporation Company Street, Apt: 1133 Avenue of the Americas, Suite City, State: 3100 New York, NY 10006	

7000 1670 0011 6180 5014

PS Form 3811, July 1999

Postmark Here

RODNEY ST. WILMINGTON, DE 19801

AUG 30 2005

USPS



Registered No. **RB 669 332 542 US**

Reg. Fee \$ **7.50**

Handling Charge \$ **1.75**

Postage \$ **1.75**

Restricted \$ **1.75**

Delivery

Received by **Duo**

Customer Must Declare Full Value \$ **1.75**

With Postal Insurance ☐

Without Postal Insurance ☐

FROM **Greenberg Traurig LLP
1000 West Street Suite 1540
Wilmington DE 19801**

TO **Ministre de l'Economie, des Finances et de
Budget
Centre Administratif, Quartier Plateau
BP 2093
Brazzaville, Congo**

PS Form **3806**, **Receipt for Registered Mail** Copy 1 - Customer
June 2002 (See Information on Reverse)

For delivery information, visit our website at www.usps.com®

Completed by the office of origin. (A remplir par le bureau d'origine.)

Item Description (Nature de l'envoi) ☐ Insured Parcel ☐ Registered Article (Envoi recommandé) ☐ Letter (Lettre) ☐ Matter (Imprimé) ☐ Other (Autre) ☐ Printed Matter (Imprimé) ☐ Recorded Delivery (Envoi à livraison attestée) ☐ Express Mail International (Envoi par courrier express international)

Insured Value (Valeur déclarée) **RB 669 332 542 US**

Article Number **RB 669 332 542 US**

Date of Posting (Date de dépôt)

Addressed Name (Nom de l'adresse) **Ministre de l'Economie, des Finances et de Budget
Centre Administratif, Quartier Plateau
BP 2093
Brazzaville, Congo**

Street and Number (Rue et numéro)

Place and City (Lieu et ville)

Postmark of the office of destination (Timbre du bureau de destination)

This receipt must be signed by: (1) the addressee; or (2) a person authorized to sign under the regulations of the country of destination; or (3) if those regulations so provide, by the employee of the office of destination. This signed form will be returned to the sender by the first mail. (Cet avis doit être signé par le destinataire ou par une personne y autorisée en vertu des règlements du pays de destination, ou, si ces règlements le comportent, par l'agent du bureau de destination, et renvoyé par le premier courrier directement à l'expéditeur.)

The article mentioned above was duly delivered. (L'envoi mentionné ci-dessus a été dûment livré.)

Signature of Addressee (Signature du destinataire) **669 332 542 US**

Office of Destination Employee Signature (Signature de l'agent du bureau de destination)

Date

PS Form **2865**, February 1997 (Reverse)

Date Stamp

Registered NO. RB66932499 US

Reg. Fee \$ 750	Return Receipt \$ 1.75
Handling Charge	Restricted Delivery
Postage \$ 4.55	
Received by: <i>[Signature]</i>	

Customer Must Declare Full Value \$	With Postal Insurance <input type="checkbox"/>
	Without Postal Insurance <input type="checkbox"/>

FROM	Greenberg Traurig LLP 1000 West Street Suite 1540 Wilmington DE 19801
TO	Directeur General de la Caisse Congolaise d'Amortissement BP 2090 Brazzaville, Congo

PS Form 3806, June 2002
Receipt for registered mail
(See information on Reverse)

For delivery information, visit our website at www.usps.com

Item Description (Nature de l'envoi)	Registered Article (Envoi recommandé)	Letter (Lettre)	Printed Matter (Imprimé)	Other (Autre)	Recorded Delivery (Envoi à livraison attestée)	Express Mail International
<input type="checkbox"/> Insured Parcel (Colis avec valeur déclarée)	Insured Value (Valeur déclarée) Article Number RB66932499 US					
Office of Mailing (Bureau de dépôt) <i>[Signature]</i> (Date de dépôt)						
Addressee Name or Firm Directeur General de la Caisse Congolaise d'Amortissement						
Street and No. (Rue et, BP 2090						
Place and Country (Lieu) Brazzaville, Congo						

This receipt must be signed by: (1) the addressee; or, (2) a person authorized to sign under the regulations of the country of destination; or, (3) if those regulations so provide, by the employee of the office of destination. This signed form will be returned to the sender by the first mail. (Cet avis doit être signé par le destinataire ou par une personne y autorisée en vertu des règlements du pays de destination, ou, si ces règlements le comportent, par l'agent du bureau de destination, et renvoyé par le premier courrier directement à l'expéditeur.)	
<input type="checkbox"/> The article mentioned above was duly delivered. (L'envoi mentionné ci-dessus a été dûment livré.)	Date
Signature of Addressee (Signature du destinataire) <i>[Signature]</i>	Office of Destination Employee Signature (Signature de l'agent du bureau de destination)

PS Form 2865, February 1997 (Reverse)

Registered No. **RB66933250805** Date Stamp
 WASHINGTON DE 19801
 30 AUG 2005

Reg. Fee \$	7.50	Return Receipt	\$17.50
Handling Charge		Restricted \$	
Postage \$	4.53	Delivery	

Received by Sade

Customer Must Declare
 Full Value \$ With Postal Insurance ☐
 Without Postal Insurance ☐

Domestic insurance up to \$500 is included in the fee. International indemnity is limited. (See Reverse).

FROM
 Greenberg Traurig LLP
 1000 West Street Suite 1540
 Wilmington DE 19801

TO
 Republic of the Congo
 c/o Head of the Ministry of Foreign Affairs
 Rodolphe Adada
 BP 98
 Brazzaville, Congo

PS Form 3806, **Receipt for registered mail** *www.usps.com* Customer
 June 2002 (See Information on Reverse)

For delivery information, visit our website at www.usps.com®

Completed by the office of origin. (A remplir par le bureau d'origine.)

Item Description (Nature de l'envoi)	Registered Article (Envoi recommandé)	Letter (Lettre)	Printed Matter (Imprimé)	Other (Autre)	Recorded Delivery (Envoi à livraison attestée)	Express Mail International
<input type="checkbox"/> Insured Parcel (Colis avec valeur déclarée)						
Office of origin	Insured Value (Valeur déclarée) RB 669 332 508 US					
Address	Date of Posting (Date de dépôt)					
Street and City						
Place and Country (Localité et pays)						

Republic of the Congo
 c/o Head of the Ministry of Foreign Affairs
 Rodolphe Adada
 BP 98
 Brazzaville, Congo

Postmark of the office of destination (Timbre du bureau de destination)

This receipt must be signed by (1) the addressee, or (2) a person authorized to sign under the regulations of the country of destination, or (3) if those regulations so provide, by the employee of the office of destination. This signed form will be returned to the sender by the first mail. (Cet avis doit être signé par le destinataire ou par une personne y autorisée en vertu des règlements du pays de destination, ou, si ces règlements le comportent, par l'agent du bureau de destination, et renvoyé par le premier courrier directement à l'expéditeur.)

☐ The article mentioned above was duly delivered. (L'envoi mentionné ci-dessus a été dûment livré.)

Date

Office of Destination Employee Signature

EXHIBIT B

AFFIDAVIT OF PERSONAL SERVICE

STATE OF DELAWARE }
 } ss.
COUNTY OF NEW CASTLE }

I, Joseph Saienni, of the State of Delaware, County of New Castle, being duly sworn, says that on the 31st day of August, 2005, at 12:20 p.m., I personally served a copy of a NOTICE OF SUIT, AFFIDAVIT FOR CONVERSION FOR FOREIGN JUDGEMENT TO DELAWARE JUDGEMENT, FORM FOR RECORDATION OF ASSIGNED DELAWARE JUDGEMENT NUMBER, NOTICE OF MOTION FOR ORDER DIRECTING CLERK TO ISSUE WRIT OF GARNISHMENT, MOTION FOR ORDER DIRECTING CLERK TO ISSUE WRIT OF GARNISHMENT, ORDER DIRECTING CLERK TO ISSUE WRIT OF GARNISHMENT & WRIT OF GARNISHMENT on **CMS NOMEKO CONGO, INC.**, by serving its registered agent, The Corporation Trust Company, at 1209 Orange Street, Wilmington, DE 19801.

Name of individual personally served: Brian Penrod.

Joseph J. Saienni III

Subscribed and sworn before me
This 31st day of August, 2005.

Carey M. Shea

Notary Public

My commission expires:

CAREY M. SHEA
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires May 24, 2007

EXHIBIT C

Registered No. **KB669332936 US**

Date Stamp
SEP 8 2005
WILMINGTON DE 19801

Reg. Fee \$ **7.50**

Handling Charge \$
Postage \$

Return Receipt \$ **1.75**

Restricted Delivery

Received by

Customer Must Declare Full Value \$ ☐ With Postal Insurance ☐ Without Postal Insurance

Domestic Insurance up to \$25,000 is included in the fee. International Indemnity is limited. (See Reverse).

FROM
Greenberg Traurig LLP
1000 West Street Suite 1540
Wilmington DE 19801

TO
Directeur General de la Caisse
Congolaise d'Amortissement
BP 2090
Brazzaville, Congo

Form 3806, June 2002

Receipt for Registered Mail Copy 1 - Customer (See Information on Reverse)

Registered No. **KB669332953 US**

Date Stamp
SEP 8 2005
WILMINGTON DE 19801

Reg. Fee \$ **7.50**

Handling Charge \$
Postage \$

Return Receipt \$ **1.75**

Restricted Delivery

Received by

Customer Must Declare Full Value \$ ☐ With Postal Insurance ☐ Without Postal Insurance

Domestic Insurance up to \$25,000 is included in the fee. International Indemnity is limited. (See Reverse).

FROM
Greenberg Traurig LLP
1000 West Street Suite 1540
Wilmington DE 19801

TO
Republic of the Congo
c/o Head of the Ministry of Foreign Affairs
Rodolphe Adada
BP 98
Brazzaville, Congo

PS Form 3806, June 2002

Receipt for Registered Mail Copy 1 - Customer (See Information on Reverse)

For delivery information, visit our website at www.usps.com®

For delivery information, visit our website at www.usps.com®

Registered No. **KB669332940 US**

Date Stamp
SEP 8 2005
WILMINGTON DE 19801

Reg. Fee \$ **7.50**

Handling Charge \$
Postage \$

Return Receipt \$ **1.75**

Restricted Delivery

Received by

Customer Must Declare Full Value \$ ☐ With Postal Insurance ☐ Without Postal Insurance

Domestic Insurance up to \$25,000 is included in the fee. International Indemnity is limited. (See Reverse).

FROM
Greenberg Traurig LLP
1000 West Street Suite 1540
Wilmington DE 19801

TO
Minstre de l'Economie, des Finances et
du Budget
Centre Administratif, Quartier Plateau
BP 2093
Brazzaville, Congo

PS Form 3806, June 2002

Receipt for Registered Mail Copy 1 - Customer (See Information on Reverse)

For delivery information, visit our website at www.usps.com®

J-22-165

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X 20/09/05 <i>Gilles</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Ministre de l'Economie, des Finances et du Budget Centre Administratif, Quartier Plateau BP 2093 Brazzaville, Congo		B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
2. Article Number (Transfer from service label) RB 669 332 940 VS		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Republic of the Congo c/o Head of the Ministry of Foreign Affairs Rodolphe Adada BP 98 Brazzaville, Congo		B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
2. Article Number (Transfer from service label) RB 669 332 953 VS		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

05J-08-826

J-22-165

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature X</p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
1. Article Addressed to: Directeur General de la Caisse Congolaise d'Amortissement BP 2090 Brazzaville, Congo 2005 DEC 11 PM 11:05 2005 DEC 11 PM 11:05 2005 DEC 11 PM 11:05		B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label) RB 669 332 936 VS		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
PS Form 3811, February 2004		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

Domestic Return Receipt 102595-02-M-1540

EXHIBIT D

IN THE SUPERIOR COURT FOR THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

CONNECTICUT BANK OF COMMERCE,

Plaintiff,

vs.

THE REPUBLIC OF CONGO,

Defendants.

) Delaware Judgment No. _____

) Index No. 26671/99

) SUPREME COURT OF THE
) STATE OF NEW YORK
) COUNTY OF KINGS

ORDER

The Court, having considered the praecipe and ^{unopposed} motion of Af-Cap, Inc. ("Af-Cap"), as assignee of plaintiff/judgment creditor Connecticut Bank of Commerce, for an order directing the Prothonotary of this Court to issue a writ of garnishment on CMS Nomeco Congo, Inc. (the "Motion"), and for good cause shown, it is hereby ORDERED that:

- A. The Motion is GRANTED; and
- B. In accordance with 28 U.S.C. § 1610 (c), the Court directs the Prothonotary of the Court to issue a writ of garnishment on CMS Nomeco Congo, Inc. in aid of Af-Cap's execution of an underlying judgment against defendants/judgment debtors.



Superior Court Judge


Dated: August 30, 2005


10:21 a.m.
CERTIFIED AS A TRUE COPY:
ATTEST: SHARON AGNEW
PROTHONOTARY


EXHIBIT E

IN THE SUPERIOR COURT FOR THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

CONNECTICUT BANK OF COMMERCE,

Plaintiff,

vs.

THE REPUBLIC OF CONGO,

Defendant.

) Delaware Judgment No. 05J-08-826

) J-22-165 FJ

) Index No. 26671/99

) SUPREME COURT OF THE STATE

) OF NEW YORK

) COUNTY OF KINGS

) WRIT OF GARNISHMENT

RECEIVED
2005 OCT -3 P 4: 58
DELAWARE JUDICIARY

TO: THE SHERIFF OF NEW CASTLE COUNTY, STATE OF DELAWARE,
you are commanded:

To serve this attachment on CMS Nomeco Congo., c/o its Registered Agent, Corporation Trust Company, 1209 Orange Street, Wilmington, DE 19801, to attach the money, goods, chattels, credits and effects, stocks, bonds, personal property, and/or real estate of Republic of the Congo, to satisfy a debt owed to the assignee of the above named plaintiff by the defendant in the amount of \$13,628,340.11 according to the judgment of the Supreme Court of the State of New York, County of Kings, Index No. 26671/99, which has been converted to a Delaware judgment by the Superior Court of Delaware In and for New Castle County, **Delaware Judgment No. 05J-08-826, J-22-165**

IN SHERIFF'S HANDS

OCT -6 AM 10:26

NEW CASTLE COUNTY

To the defendant's garnishee who is served this paper:

The Superior Court of the State of Delaware, in and for New Castle County, requires you to inform **PAUL D. BROWN, ESQUIRE, 1000 West Street, Suite 1540, Wilmington, Delaware, 19801 (302) 661-7000**, of all money, goods, credits and effects, stock, bonds, personal property, and/or real estate belonging to the defendant you currently possess. As the Garnishee, you are to retain the items stated by you in response to the above. You are to hold these items until another order of this Court releases you from this obligation. **You must do this within 20 days after service of this writ upon you, not counting the day that you received this writ.** Your failure to respond may result in a default judgment against you for the amounts the defendant owes as shown below. The amounts the defendant owes are:

10-4

Office of the Sheriff
Deputy Service Sheet**FIFA Garnishment**

Court: Superior Court Execution (New Castle)

Return Date: 01/04/2006

CA#05J 08 826ET

CONNECTCUT BANK OF COMMERCE

vs.

THE REPUBLIC OF CONGO

Service Count: 1

Court Date:

Return of Service to be made by: _/_/_

Return of Service Mailed on: _/_/_

Received Date: 10/06/2005

Prepared by: LGGasby

Service On**CMS NOMECONGOCONGO INC ET AL -GARNISHEE**1209 ORANGE STREET
WILMINGTON, DE**File Comments**GARN CICERO GARN CK # 001596 \$ 20.00 FOR CMS
NOMECONGOCONGO INC ET ALSo Ans:
Sheriff

Writ Returned

er

Deputy Sheriff

Attempted Service _____

Attempted Service _____

Attempted Service _____

Attempted Service _____

Attempted Service _____

ServiceServed By AlhServed B. PerrodDate Served 10/12 Time Served 1245

Place Served _____

Substitute _____

Description of Person Served

Male _____ Female _____

Hair Color _____ Skin Color _____ Ethnicity _____

Height _____ Weight _____ Age _____

Other Identifying Marks _____

Attorney:GREENBERG TRAUIG LLP
BRANDYWINE BUILDING
1000 WEST STREET
SUITE 11540
WILMINGTON, DE 19801

(302)661-7000

OCT 6

EXHIBIT F

Westlaw.

Not Reported in A.2d
 Not Reported in A.2d, 1988 WL 130393 (Del.Super.)
 (Cite as: 1988 WL 130393 (Del.Super.))

Page 1

H

Only the Westlaw citation is currently available.

UNPUBLISHED OPINION. CHECK COURT
 RULES BEFORE CITING.

Superior Court of Delaware.
 Harris M. LISSAK
 v.
 FINNEGAN BUILDERS.

Submitted: Nov. 4, 1988.
 Decided: Nov. 22, 1988.

Melvyn A. Woloshin, Woloshin, Tenenbaum &
 Natalie, P.A., Wilmington.

Jane W. Evans, Wilmington.

MARTIN, Resident Associate Judge.

*1 Plaintiff, Harris M. Lissak ("Lissak"), brings this summary judgment motion against defendants, John Finnegan, ("Finnegan"), and Finnegan Builders, Inc. ("Builders"), for Builder's failure to comply with garnishment procedures. For the following reasons this motion is denied.

On December 11, 1978, Lissak obtained a judgment against Finnegan in the amount of \$9,585.00 plus interest and costs. Lissak made repeated attempts to recover the amount of the judgment from Finnegan but was unsuccessful. Due to the inability to recover judgment, Lissak sought recover through attachment of Finnegan's wages. At this time, Finnegan was employed by Builders. On March 6, 1986, a writ of attachment was served upon Builders. Also, pursuant to the requirements of 10 Del.C. § 3509, Builders was paid a twenty dollar garnishment fee. Pursuant to the writ of attachment, Builders paid the sum of \$141.00 in two separate payments to Lissak.

On March 31, 1986 Builders sent a written response to Lissak stating that Finnegan had terminated his employment with Builders on March 12, 1986. Also, Builders stated that it would no longer honor the writ. On April 9, 1986 Lissak filed exceptions to the defects in Builder's response recognizing that it did not meet the qualifications of an answer to a writ Fi.Fa., pursuant to Delaware Civil Procedure Rule 5(aa)(2).

On June 30, 1987, Lissak filed this motion for summary judgment. Lissak demands from Builders the full judgment against Finnegan which went unsatisfied; \$9,585.00, plus interest and cost minus the \$141.68 paid by Builders.

Lissak contends that, because Builders failed to answer the writ pursuant to Delaware Superior Court Civil Rule 5(aa)(2), Builders did not perform its responsibilities as garnishee and is thus liable to have judgment rendered against it.

However, Builders contends that its' failure to properly respond to the writ was due to deficiencies within the writ itself. The writ lacked the proper notice required by Del.C. 4(C)(2).

Builders specifically argues that the writ failed to specify the contents of an answer, where to appear to give the answer, and when to appear.

The issue before this Court is whether the writ is defective pursuant to Del.C. Rules 4(c) and 4(c)(2) thereby relieving Builders of any obligation to act upon the writ.

Superior Court Civil Rules 4(c) and 4(c)(2) set forth the requirements for the contents of a writ generally and a writ of attachment. The rules are as follows:

Rule 4(c):

(c) Contents of Writ: Generally. The process shall bear the date of its issuance, be signed by the Prothonotary or one of his Deputies, be under the seal of the Court, contain the name of the Court and the names of the parties, state the name of the official or other person to whom it is directed, the name and address of the plaintiff's attorney, if any, otherwise the plaintiff's address and the time within which these Rules require the defendant to appear and defend, and shall notify him that in case of his failure to do so, judgment by default will be rendered against him for the relief demanded in the complaint....

*2 Rule 4(c)(2):

(2) Attachment. The writ of attachment shall be directed to the person serving the writ and command him to attach the defendant by all his real and

Not Reported in A.2d

Page 2

Not Reported in A.2d, 1988 WL 130393 (Del.Super.)

(Cite as: 1988 WL 130393 (Del.Super.))

personal property in the county to which the writ is issued and to summon defendant's garnishees to appear within 20 days after service of the writ to answer or plead and shall notify them that, on failure to do so, they may be compelled by attachment.

The writ served upon Builders contained a summons for the Sheriff to attach the property of John Finnegan and, summoned the Garnishee, Builders, to appear at the Court to which the writ was returnable to give a verified answer, i.e., to declare what goods, chattels, rights, credits money or effects he had in his possession.

However, pursuant to the requirements of *Del.C.* 4(c)(2), the writ failed to notify Builders of the twenty day time limit within which to answer and of the possibility that on failure to do so the Court may compel Builders by attachment.

Since the contents of the writ failed to meet the requirements of *Del.C.* 4(c)(2), thereby giving insufficient notice to Builders, this Court finds the writ defective and thus unenforceable. Plaintiff's motion for summary judgment is denied.

IT IS SO ORDERED.

Not Reported in A.2d, 1988 WL 130393
(Del.Super.)

END OF DOCUMENT